APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,194	12/31/2003	Garrett R. Goldfield	6034-04500	2548

57956   7590   09/04/2008
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ART UNIT	PAPER NUMBER
2179	

NOTIFICATION DATE	DELIVERY MODE
09/04/2008	ELECTRONIC

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/751,194
Filing Date: December 31, 2003
Appellant(s): GOLDFIELD ET AL.

_____
Robert C. Kowert
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/16/08 appealing from the Office

action mailed 11/16/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial

proceedings which will directly affect or be directly affected by or have a bearing

on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection

contained in the brief is correct.

The amendment after final rejection filed on 1/16/08 has been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is

correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Pub No. US 2002/0015056	Weinlaender	2-2002
Patent No. US 4,905,163	Garber et al.	2-1990

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

2.   Claims 1-8, 10, 11, 13-18, 20, 21, 23-27 are rejected under 35 U.S.C.

103(a) as being unpatentable over Weinlaender (US 2002/0015056 A1) in view

of Garber et al. (USPN 4,905,163).

Regarding claim 1, Weinlaender disclosed a computer-implemented method of

providing help information for a software application comprising:

        maintaining a user help knowledge base, wherein said maintaining

comprises creating a plurality of data entries, wherein each data entry of said

plurality of data entries comprises data indicating:

        help information presented to a user by said software application in

response to a selection of a help information file comprising the help information

(Paragraph [0022]);

        an application context, wherein the application context is a portion of said

software application executing during said selection of the help

        information file (Paragraph [0009], [0013], and [0022], where recorded the

types of access also apply to user's access to the help information, therefore the

context during said selection of help information must also be stored in a data

entry);

selecting additional help information for presentation to a user based on a

particular entry of the user help knowledge base including help information

previously selected by a user as indicated by said particular entry (Page 1,

paragraph [0009]; Page 2, [0013]);

Weinlaender did not specifically disclose:

maintaining a user help knowledge base, wherein said maintaining comprises

creating a plurality of data entries, wherein each data entry of said plurality of

data entries comprises data indicating:

a presentation mode selected by the user, wherein said help information is

presented to the user according to said presentation mode selected by the user;

and

determining a presentation mode for the additional help information based

on said particular entry of the user knowledge base including a presentation

mode of help information previously selected by the user as indicated by said

particular entry; and

presenting the additional help information according to the determined

presentation mode.

However, Garber disclosed multiple information presentation modes, monitoring

user's responses and determining that a user often requests information in a

visual form and presenting information initially in a visual form to match the user's

typical preferences (Column 2, line 52 to Column 3 line 4; Column 7, lines 27-37,

where monitoring users' activity to determine preferences means their previously

selected presentation modes must be stored in some type of data entry). It

would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teachings of Garber with the system of

Weinlaender since doing so would allow help information to be presented in a

mode according to a user's typical preferences (Garber: Column 7, lines 27-37).

Regarding claim 2, the rejection of claim 1 is incorporated and further

Weinlaender disclosed tracking the help information previously selected by the

user in a user help profile of the user help knowledge base (Page 1, paragraph

[0007], lines 8-15; Page 2, paragraph [0013]; (where "user help profile data set"

is user help profile)).

Regarding claim 3, the rejection of claim 2 is incorporated and further

Weinlaender disclosed wherein the user help knowledge base comprises a user

application profile (Page 1, paragraph [0007], lines 3-8; (where "user profile data

set" is application profile)).

Weinlaender did not specifically disclose wherein the user application profile

comprises one or more personal details about the user. However Garber

disclosed storing personal details about the user (Column 15, lines 9-51). It

would have been obvious to one of ordinary skill in the art at the time the

invention was made, to incorporate the teachings of Garber into the system of

Weinlaender since doing so would help provide users with information dependent
on their personal details.

Regarding claim 4, the rejection of claim 1 is incorporated and further
Weinlaender disclosed prioritizing additional help information for presentation
based on the user help knowledge base and one or more help rules each
associated with a change in application context of the software application (Page
1, paragraph [0009]; Page 3, paragraphs [0026]-[0029], where the selected help
information is dynamically selected depending on user's utilization focus or
utilization habits (Paragraph [0028]), frequency and/or types of access to
functions/learning characteristics etc, which have to come from recorded
changes in application context).

Regarding claim 5, the rejection of claim 1 is incorporated and further
Weinlaender does not expressly teach selecting additional help information for
presentation comprises selecting help information from third-party service
providers based on the user help knowledge base. However, this limitation
would have been obvious to one of ordinary skill in the art at the time the
invention was made in view of Weinlaender, because Weinlaender disclosed a
help system used in computer networks including those based on communication
via the internet (Page 4, paragraph [0039]). The skilled artisan knows that
computer networks based on communication via the Internet would allow for help
presentation from third-party service providers to be selected. Information can

be retrieved from various sources and Weinlaender would have been motivated
to have additional help information available from third-party service providers in
order to not limit the help information available to what is available on their
database.

Regarding claim 6, the rejection of claim 1 is incorporated and further
Weinlaender does not specifically disclose wherein the presentation mode of the
help information comprises a mode for presenting information to the user.
However, Garber disclosed multiple information presentation modes (Column 7,
lines 27-37). It would have been obvious to one of ordinary skill in the art at the
time the invention was made to incorporate the teachings of Garber with the
system of Weinlaender since doing so would allow help information to be
presented in a mode according to a user's typical preferences (Garber: Column
7, lines 27-37).

Regarding claim 7, the rejection of claim 6 is incorporated and further Garber
disclosed wherein the presentation mode comprises at least one selected from
the group consisting of a visual mode, a display mode and an audio mode
(Column 7, lines 27-34; Column 15, lines 32-34).

Regarding claim 8, the rejection of claim 7 is incorporated and further Garber
disclosed wherein the display mode comprises a graphical form (Column 7, lines
27-34).

Regarding claim 10, the rejection of claim 1 is incorporated and further

Weinlaender disclosed wherein one or more of the plurality of data entries further

comprises:

     an identifier of the help file selected (Page 1, paragraph [0009-0010], (help

data topics); Page 2, paragraphs [0013] and [0021-0023]),

     at least on help topic associated with the help file ((Page 1, paragraph

[0009-0010], (help data topics); Page 2, paragraphs [0013] and [0021-0023]),

and

 Weinlaender did not specifically disclose the data entry including a help content

format of the file. However Garber disclosed monitoring a user's responses and

determining presentation modes that users often request using a User Modeling

systems that examines an individual's user history (Column 2, line 52 to Column

3 line 4; Column 7, lines 27-37, where monitoring users' activity to determine

preferences means their previously selected presentation modes must be stored

in some type of data entry). It would have been obvious to one of ordinary skill in

the art at the time the invention was made to incorporate the teachings of Garber

with the system of Weinlaender since doing so would allow help information to be

presented in a mode according to a user's typical preferences (Garber: Column

7, lines 27-37).

Regarding claim 11, the limitations of the claims are similar to those of claim 1,

therefore it is rejected under the same rationale as applied above.

Regarding claims 13-17 and 20, the limitations of the claims are similar to those
of claims 3-7 and 10 therefore they are rejected under the same rationale as
applied above.

Regarding claim 18, the rejection of claim 17 is incorporated and further
Weinlaender disclosed wherein the display mode is a hypertext link (Figure 3;
Page 3, paragraph [0026], lines 9-15).

Regarding claim 21, Weinlaender disclosed a system of providing help
information for a software application comprising:

    a processor configured to execute the software application (Figure 1,
    element 4);

    a memory accessible to the processor, the memory storing a user help
knowledge base, and a database of help information files, wherein the user help
knowledge base comprises a plurality of data entries each comprising data
indicating: (Figure 2, element 5);

    help information previously accessed by a user from said database of help
files (Paragraph [0022]);

    an application context, wherein the application context is a portion of the
software application executing during a selection of said help information
previously accessed by said user (Paragraph [0009], [0013], and [0022], where
recorded the types of access also apply to user's access to the help information,

therefore the context during said selection of help information must also be

stored in a data entry);

an input device communicatively coupled to the processor to receive user

input (Figure 2, element 3); and

an output device communicatively coupled to the processor for presenting

data (Figure 2, element 6);

wherein the software application is executable by the processor to

provide:

a help module configured to select particular help information for

presentation to a user based on (Figure 2, element 120):

said help information previously accessed by a user from said database

of help files as specified by the user help knowledge base (Paragraph [0022]);

and

said application context as specified by the user help knowledge base

(Paragraph [0009], [0013], and [0022], where recorded the types of access also

apply to user's access to the help information);

an application module communicatively coupled to the help module

wherein the application module and help module are configured to exchange

user data (Figure 2, element 1a); and

a user interface module communicatively coupled to the help module,

wherein the user interface module is configured to:

receive user input from the user input device,

send user input data to the help module,

and format said particular help information from the help module in a
mode of according to the determined presentation mode for presentation by the
output device (Figure 2).

Weinlaender did not specifically disclose wherein the user help knowledge base
comprises a plurality of data entries each comprising data indicating: a previous
presentation mode, wherein said presentation mode is associated with said help
information previously accessed by the user or wherein the help module is further
configured to determine a presentation mode for the particular help information
based on said previous presentation mode as indicated by the user help
knowledge base. However, Garber disclosed multiple information presentation
modes, monitoring user's responses and determining that a user often requests
information in a visual form and presenting information initially in a visual form to
match the user's typical preferences (Column 2, line 52 to Column 3 line 4;
Column 7, lines 27-37, where monitoring users' activity to determine preferences
means their previously selected presentation modes must be stored in some type
of data entry). It would have been obvious to one of ordinary skill in the art at the
time the invention was made to incorporate the teachings of Garber with the
system of Weinlaender since doing so would allow help information to be
presented in a mode according to a user's typical preferences (Garber: Column
7, lines 27-37).

Regarding claim 23, the rejection of claim 22 is incorporated and further
Weinlaender disclosed wherein the user help profile further comprises at least

one data entry created by the software application in response to a user selection

of a help information file from said database, the database, the data entry

including the following data (Page 2, paragraphs [0013] and [0021-0023] where

user interactions are dynamically recorded):

the application context in which the help file is selected, an identifier of the

help file selected, at least one help topic associated with the help file (Page 1,

paragraph [0009-0010], (help data topics); Page 2, paragraphs [0013] and [0021-

0023]. Weinlaender did not specifically disclose the data entry including a help

content format of the file. However Garber disclosed monitoring a user's

responses and determining presentation modes that users often request using a

User Modeling systems that examines an individual's user history (Column 2, line

52 to Column 3 line 4; Column 7, lines 27-37, where monitoring users' activity to

determine preferences means their previously selected presentation modes must

be stored in some type of data entry). It would have been obvious to one of

ordinary skill in the art at the time the invention was made to incorporate the

teachings of Garber with the system of Weinlaender since doing so would allow

help information to be presented in a mode according to a user's typical

preferences (Garber: Column 7, lines 27-37).

Regarding claim 24, the limitations of the claims are similar to those of claims 13,

respectively; therefore it is rejected under the same rationale as applied above.

Regarding claim 25, the rejection of claim 11 is incorporated and further

Weinlaender does not expressly teach wherein the processor further comprises a

network interface and the help module further comprises a communication

interface to a server for a third party service provider wherein the help module

requests information from the third party server and receives the information

through the communication interface. However, this limitation would have been

obvious to one of ordinary skill in the art at the time the invention was made in

view of Weinlaender, because Weinlaender disclosed a help system used in

computer networks including those based on communication via the internet

(Page 4, paragraph [0039]. The skilled artisan knows that computer networks

based on communication via the Internet (third party server) require a

communication interface that would allow for the help module to request and

receive information. Information can be retrieved from various sources and

Weinlaender would have been motivated to have additional help information

available from third-party service providers in order to not limit the help

information available to what is available on their database.

Regarding claim 26, Weinlaender disclosed a computer-implemented method of

providing help information for a software application comprising:

        selecting help information for presentation to a user based on help

information previously selected by a user (Page 1, paragraph [0009]; Page 2,

[0013]); and

        determining a priority for presentation of the help information based on

one or more help rules, wherein said priority indicates an order of presentation

for different portions of said help information (Page 1, paragraph [0009]; Page 3, paragraphs [0026]-[0029], where the selected help information is dynamically selected depending on user's utilization focus or utilization habits (Paragraph [0028]), frequency and/or types of access to functions/learning characteristics etc).

presenting the selected help information according to the determined said priority (Page 1, paragraph [0009]; Page 3, paragraphs [0026]-[0029]). Weinlaender did not specifically disclose determining a presentation mode of the selected help information based on a presentation mode of said other help information previously selected by the user; and presenting the selected help information according to the determined presentation mode. However, Garber disclosed multiple information presentation modes, monitoring user's responses and determining that a user often requests information in a visual form and presenting information initially in a visual form to match the user's typical preferences (Column 7, lines 27-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Garber with the system of Weinlaender since doing so would allow help information to be presented in a mode according to a user's typical preferences (Garber: Column 7, lines 27-37).

Regarding claim 27, the rejection of claim 26 is incorporated and further Weinlaender disclosed tracking the help information previously selected by the

user in a user help profile (Page 1, paragraph [0007], lines 8-15; Page 2,

paragraph [0013]; (where "user help profile data set" is user help profile)).

(10) Response to Argument

Weinlaender reference: Weinlaender teaches a dynamic help system which

keeps track of frequency and types of user's access to functions and/or help

topic data sets (Paragraph [0007]), user's access behavior, and learning

characteristics (Paragraphs [0026-0029]). The system then uses this information

to present additional help information to a user depending on the application

context in order to provide users with help topics that are currently relevant to the

user or currently needed help topics (Paragraphs [0023], [0026-0029], [0040]).

Garber reference: Garber teaches a system which monitors user activity to

determine preferences in order to incorporate those preferences in future

interactions for use in tutorial, training or simulation systems (Column 2, line 52

to Column 3, line 4). The system allows for multiple presentation modes and

monitors a user's interactions and typical preferences to determine what

presentation mode is preferred and presents the information according to the -

user's preference (Column 7, lines 27-37).

Arguments:

I.   Appellant argues (Brief, Page 11) that Weinlaender does not teach the

claimed *each data entry comprising data indicating help information presented to*

a user by said software application in response to a selection of a help

information file comprising the help information, each data entry comprising data

indicating an application context, wherein the application context is a portion of

said software application executing during said selection [referring to a past

selection "presented" to the user] *of the help information file.*

Examiner respectfully disagrees. Weinlaender teaches keeping track of

frequency and types of user's access to functions and/or help topic data sets

(Paragraph [0007]), which means those selections had to have been made in the

past in order to be tracked/recorded (Paragraph [0013]). The recorded

information is used to create a user profile data set 110. The user profile data set

110 comprises entries such as the frequency of accesses, the type of accesses,

the timestamps of each access and the help topics selected (0021, 0022). Those

selected help data topic sets are help information presented to the user. The

system then uses this information to present additional help information to a user

depending on the application context in order to provide users with help topics

that are currently relevant to the user or currently needed help topics

(Paragraphs [0023], [0026-0029], [0040]). In order to determine currently needed

topics, the application context must be kept track of. Appellant continues to

argue (Brief, page 12-13) that Weinlaender doesn't teach an application context

that is a portion of said software application executing during the past selection of

the help information file. However, as explained above Weinlaender has to keep

track frequency/type of access to help topic data sets (Paragraph [0007]) and

the application context during selections in order to determine the users currently

needed and currently relevant topics. The content of the help startup page

continuously and dynamically changed based on user behavior, focus and/or habits (0028), and learning characteristic (0029). The system of Weinlaender has to know where the user is currently in the application and know what users have selected in the past to "coach" them with information they currently need (Paragraphs [0023], [0026-0029] and [0040]).

II. Appellant argues (Brief, Page 14) that the cited art fails to teach or suggest selecting additional help information for presentation to a user based on a particular entry of the user help presentation knowledge base, where that entry indicates previously selected help information, presentation mode, and application context, as recited in claim 1.

     Examiner again respectfully disagrees. As explained above, Weinlaender teaches a dynamic help system which keeps track of frequency and types of user's access to functions and/or help topic data sets (Paragraph [0007]) and the application context in order to provide users with help topics that are currently relevant to the user or currently needed help topics (Paragraphs [0023], [0026-0029], [0040]), which is the claimed "additional help information".

III. Appellant argues (Brief, Pages 14-15) that the cited art fails to teach or suggest determining a presentation mode for the additional help information based on a particular entry of the user help presentation knowledge base, where that entry indicates previously selected help information, presentation mode, and application context, as recited in claim 1.

Examiner respectfully disagrees. As explained in the rejection of claim 1

above, the secondary reference Garber (USPN 4,905,163) is used to teach this

limitation. Garber is monitoring users presentation mode preferences in order to

incorporate these preferences into future interaction with the user (Column 2, line

52 to Column 3, line 4; Column 7, lines 27-37). In order to implement the

preferred presentation modes, those preferences must be stored to let the

system know which mode to choose to present the information.

Appellant further argues that there is no proper reason as to why one of

ordinary skill in the art would combine the teachings of Garber with the teachings

of Weinlaender, because Garber fails to mention anything at all about help

information. In response, the examiner respectfully disagrees and submits that

one cannot show nonobviousness by attacking references individually where the

rejections are based on combinations of references. See *In re Keller*, 642 F.2d

413, 208 USPQ 871 (CCPA 1981); *In re Merck* & Co., 800 F.2d 1091, 231 USPQ

375 (Fed. Cir. 1986). In addition, the appellants are also reminded that "[I]n

considering the disclosure of a reference, it is proper to take into account not only

specific teachings of the reference but also the inferences which one skilled in

the art would reasonably be expected to draw therefrom." In re Preda, 401 F.2d

825, 826,159 USPQ 342, 344 (CCPA 1968).

In this case, it does not matter whether or not Garber mentions help

information because analogous art need not be from the same field of endeavor.

Both references mention presenting information, and it would have been obvious

to incorporate the teachings of Garber into the system of Weinlaender since

doing so would allow help information to be presented in modes according to the user's typical preferences. Multiple presentation modes and preferences allow users with different deficiencies or capabilities view the information in the mode that fits them best.

IV. Appellant argues (Brief, Pages 15-16; claim 4) that the cited art fails to teach or suggest *prioritizing the additional help information for presentation based on the user help knowledge base and on or more help rules each associated with a change in application context of the software application.*

Examiner respectfully disagrees. As explained in rejection above and in the above description of the system of Weinlaender, it is clear that in order to provide users with help topics that are currently relevant to the user (Paragraph [0023]), or currently needed help topics (Paragraph [0040]), there must be some type of prioritizing in order to choose which information to present depending on the context of the application. The system of Weinlaender knows where users are currently in the application, knows what help topics they previously selected, and then prioritizes information to present to them what they currently need or what is currently relevant (Paragraphs [0023], [0026-0029], [0040]).

V. Appellant argues (Brief, Page 16-17; claim 5) that the cited art fails to teach *selecting additional help information for presentation comprises selecting help information from third-party service providers based on the user help knowledge base.*

Examiner respectfully disagrees. As explained in rejection above, this limitation would have been obvious to one of ordinary skill in the art at the time the invention was made in view of Weinlaender, because Weinlaender disclosed a help system used in computer networks including those based on communication via the internet (Page 4, paragraph [0039]). The skilled artisan knows that computer networks based on communication via the Internet would allow for help presentation from third-party service providers to be selected. Information can be retrieved from various sources and Weinlaender would have been motivated to have additional help information available from third-party service providers in order to not limit the help information available to what is available on their database. Third-party service providers are commonly used to provide additional information when there is not sufficient space or availability from the local system.

VI. Appellant argues (Brief, Page 17; Claims 11, 13, 16-18 and 20) that the Examiner has failed to even attempt to state a prima facie rejection of Appellants' claim because Examiner asserts "the limitations of the claims are similar to those of claim 1, therefore it is rejected under the same rationale as applied above." However, the limitations of claim 11 are not the same as the limitations of claim 1.

Examiner respectfully disagrees. Examiner stated that the limitations of claim 1 are *similar* to those of claim 1 which is true. Appellants point out that claim 1 does not recite a current application context, however in the above

rejection of claim 1, and in the Weinlaender reference, the current application context is clearly taught. As explained above Weinlaender keeps track frequency/type of access to help topic data sets (Paragraph [0007]) and the application context during selections in order to determine the users currently needed and currently relevant topics. The system of Weinlaender has to know where the user is currently in the application (*application context*)and know what users have selected in the past to "coach" them with information they currently need (Paragraphs [0023], [0026-0029] and [0040]).

Appellants further argue the rest of claim 11, which are similarly repeated arguments that Weinlaender and Garber do not teach the limitations as demonstrated above with respect to claim 1. These arguments have been addressed as set forth above in the response to claim 1.

VII. Appellant argues (Brief, pages 21-26) with respect to claims 14, 15, 23, 25, 26 and 27).

The appellants similarly repeat the arguments that have been addressed as set forth above in the responses above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Kim-Lynn Dam/

Examiner, Art Unit 2179

Conferees:

Ba Huynh

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Supervisory Patent Examiner, Art Unit 2179